

# **NAVAL AIR STATION WHIDBEY ISLAND RESTORATION ADVISORY BOARD CHARTER AND BYLAWS**

## ***~Mission Statement~***

*The mission of this Restoration Advisory Board is to provide a forum for communication, in an open environment, and between all interested parties, in order to provide recommendations to the United States Navy regarding the Naval Air Station Whidbey Island environmental restoration program as part of the Comprehensive Environmental Response, Compensation and Liability Act.*

## **I. NAME**

This organization shall be known as the Naval Air Station (NAS) Whidbey Island Restoration Advisory Board (RAB). The NAS Whidbey Island RAB will fulfill the requirements of Title 10 United States Code (USC) Section 2705(c.) for Technical Review Committees at Department of Defense (DoD) installations.

## **II. PURPOSE**

The purpose of the RAB is to provide a forum to enhance communication and coordination between the Navy, the community, and regulatory agencies in response to actions undertaken under the Installation Restoration Program (IRP). The IRP is part of the Defense Environmental Restoration Program (DERP) and is the Navy program to implement the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Under CERCLA and Executive Order 12580, the Navy is conducting a comprehensive identification of contaminated sites, assessing the nature and extent of contamination, and taking corrective actions to protect human health and the environment.

Specifically, the RAB provides its members and the community an enhanced opportunity to review and comment on proposals for site cleanup actions. The RAB considers and identifies community concerns relating to possible cleanup actions under the NAS Whidbey Island IRP.

Membership and procedures must facilitate open and effective communication. The RAB will advise the Navy, but is *not* a decision-making body.

## **III. AUTHORITY**

The basis and authority for this charter are CERCLA, DERP, and DoD policies.

## **IV. COMPOSITION**

Membership shall consist of:

- 1) Community and Navy Co-Chair(s), or alternates and representatives;
- 2) Representatives from the United States Environmental Protection Agency (USEPA) and the Washington State Department of Ecology (WDOE);
- 3) Local government agencies; and
- 4) Local community members.

Membership and representation on this advisory board shall not, by itself, be construed in any way as limiting the legal rights, obligations or authority of any of the individual representatives of the groups or agencies which they represent. The RAB is open to the public non-exclusively; anyone may attend and make comments and observations on the Navy's environmental restoration program.

#### A. Requirements for Membership

General membership requirements and responsibilities are as follows:

- 1) Members of the RAB must be representatives from private citizens, community groups, and federal, state and local government organizations.
- 2) Members must reside in, own property in, or serve the interests of the communities on Whidbey Island.
- 3) Members will participate in RAB meetings and activities for a minimum of two years. By applying for membership, members agree to participate in most of the meetings. RAB community members may request an extension of service on the RAB. For administrative purposes only, each extension for an additional term of two years must be approved by a 2/3-majority vote of a quorum of present RAB community members. A quorum shall consist of 1/3 of the community RAB members. There is no limit on the number of terms a RAB member may serve.
- 4) A RAB community member may be removed for cause (i.e., fails to adhere to the requirements for membership, lack of attendance, etc.) by 2/3 majority vote of the present RAB community members. Any RAB community member who is absent from three consecutive RAB meetings (without an excused absence approved by the co-chairs) may be removed for cause from the board. Excuses should be provided to the Community Co-Chair or by calling the Navy Co-Chair at (360) 257-4025. Additional members may be added to the RAB by a 2/3-majority vote of a quorum of present RAB community members.
- 5) Members will become familiar with environmental restoration issues related to the actions of the NAS Whidbey Island IRP. Representatives from the Navy, the USEPA, WDOE, or other organizations will provide technical and regulatory information to the RAB. These representatives are not voting members of the RAB.
- 6) One member will represent each government entity or community organization, except for the Navy, which may have two members, both of whom may serve as Navy co-chairs. The third Co-Chair will be a private citizen or representative of a community organization. The Navy and Community Co-Chairs will ensure written comments are forwarded to the Naval Facilities Engineering Command Northwest (NAVFAC NW) Environmental Restoration team in a timely manner.
- 7) Members will review draft documents and provide comments on actions proposed by the Navy. Members will recommend priorities among sites and projects, co-incident with RAB meetings to the extent practicable. Members will use applicable standards to evaluate cleanup actions.
- 8) Members will report to the groups they represent and serve as a conduit of information between the community and the Navy.
- 9) Members will serve without compensation from the RAB.



## B. Guidelines for Membership

- 1) Any individual or organization desiring membership will submit an application to the RAB or be present at a meeting for a verbal interview by the RAB community members. The RAB will approve or disapprove the membership.
- 2) Sub-committees and/or steering committees may be formed in the RAB to facilitate, participate, or to address specific issues or other items pertinent to the RAB. A committee may be formed and its members selected at the meeting the issue of committees is raised.
- 3) Each member will provide necessary information to a RAB Co-Chair in the event he/she cannot attend. All effort will be made to not fall behind in activities. Each member may provide technical or administrative support, as necessary.
- 4) A voting member of the RAB may not substitute or designate an alternate as their representative to vote on issues or bring new issues before the RAB.

## V. STRUCTURE AND OPERATING PROCEDURES

- A. Meetings will be presided over by three Co-Chairs, two from the Navy and one from the community. One Navy Co-Chair will be a representative of NAVFAC NW and the other Navy Co-Chair will be a representative from NAS Whidbey Island. The Community Co-Chair will be a private citizen or representative of a community organization.
- B. The IRP Director will appoint the Navy Co-Chair from NAVFAC NW and the Installation Commanding Officer will appoint the Navy Co-Chair from NAS Whidbey Island.
- C. The duties of the Navy Co-Chair(s) include, but are not limited to:
  - 1) Ensuring that the Navy considers and responds to comments from the public through procedures established and documented by the RAB;
  - 2) Coordinating with the Community Co-Chair to prepare and distribute an agenda prior to each RAB meeting;
  - 3) Advertising meetings (Whidbey News-Times, South Whidbey Record – at least twice before each RAB meeting);
  - 4) Providing administrative support for the RAB;
  - 5) Ensuring that minutes are taken at RAB meetings;
  - 6) Preparing draft minutes and coordinating review of the draft minutes with the Community Co-Chair and RAB members;
  - 7) Publishing the meeting minutes by placing them in the Information Repositories, NAVFAC NW public website, or Administrative Record;
  - 8) Referring issues other than environmental restoration to appropriate Navy officials for normal processing outside of the RAB;
  - 9) Working with the Community Co-Chair to establish a process for public review of documents, including submitting comments to the Navy for consideration during the planning and decision making process;
  - 10) Publishing a public notice advertisement in a large circulation newspaper;
  - 11) Publishing the operating procedures agreed upon by the RAB including the process established for public review and comment in the RAB minutes; and
  - 12) Providing draft documents and when necessary, summaries and presentations, to the RAB for review.

- D. The Community Co-Chair will be nominated by the RAB members who are not representatives of federal or state organizations. The Installation Commanding Officer will have final approval.
- E. The duties of the Community Co-Chair include, but are not limited to:
  - 1) Ensuring that community issues and concerns related to the environmental restoration/cleanup program are brought to the table;
  - 2) Assisting the Navy in communicating technical information to all RAB members in understandable terms;
  - 3) Assisting in disseminating information to the public;
  - 4) Coordinating with the Navy Co-Chair(s) to prepare and distribute an agenda prior to each RAB meeting;
  - 5) Being the lead Co-Chair with technical and administrative support provided by the Navy Co-Chair(s);
  - 6) Ensuring that RAB members are given adequate time to present their concerns and comments;
  - 7) Ensuring that community members participate in an open and constructive manner, and serve without compensation on the RAB.
- F. The responsibilities of elected RAB members include, but are not limited to:
  - 1) Attending RAB meetings;
  - 2) Providing advice and commenting on restoration issues to the decision makers;
  - 3) Representing and communicating community interests and concerns to the RAB;
  - 4) Acting as a conduit for the exchange of information between the community, DoD installation, and environmental oversight agencies regarding the installation's restoration and reuse programs;
  - 5) Reviewing, evaluating, and commenting on documents and other such materials related to installation restoration and closure, where applicable; and
  - 6) Serving without compensation on the RAB.
- G. Meetings to be held as required, but at least once per year, at a location on Whidbey Island agreed to by the members. Members should submit agenda items to a Co-Chair at least 30 days in advance of a meeting. RAB meeting dates are set at the end of the previous RAB meeting, but no later than 30 days in advance of the next RAB meeting. Comments on minutes will be provided to the Co-Chairs. The Community Co-Chair or the Navy Co-Chair(s) will conduct the meetings to maintain order.
- H. If the Community Co-Chair is unable to attend a meeting, the RAB will vote for an alternate or Deputy Community Co-Chair from the RAB members present.
- I. Approval of prior meeting minutes by RAB members and development of the next meeting agenda will be required agenda items.
- J. As the RAB deems necessary, RAB member-only subcommittees may be formed to study and report on specialized topics. Subcommittee assignments will be included as action items on the RAB agenda.



- K. RAB Document Review and comment procedures are as follows:
  - 1) One of the Navy Co-Chairs will ensure that copies of all pertinent documents are available at the Information Repositories for RAB and public review, sufficiently in advance of deadlines to provide reasonable opportunity for review and comment.
  - 2) One of the Navy Co-Chairs will post summaries or fact sheets related to environmental restoration activities at NAS Whidbey Island on the NAVFAC public website.
  - 3) Members may submit comments on the subject documents within the time frame specified. One of the Navy Co-Chairs will periodically provide the RAB with schedules of upcoming documents and deliverables and deadlines for comment. One of the Navy Co-Chair will notify the RAB of changes to such schedules.
  - 4) The Navy Co-Chairs will ensure that responses to comments are provided to members and the public in a timely manner.
  - 5) Members are responsible for ensuring that their comments reflect the position of their constituency.
- L. A facilitator may be appointed by the Navy Co-Chairs to enhance meeting effectiveness. The facilitator will not be a member of the RAB.
- M. Action items may be established at any RAB meeting. Responses to comments or requests for information will be in writing. All action items will be listed in the meeting minutes for the meeting at which they are assigned. Progress on each action item will be reviewed at each RAB meeting. When an action item is closed the written response will be included in the meeting minutes.
- N. Action items will be reviewed and approved by a 2/3 majority vote of a quorum of RAB community members present.
- O. Final documents, RAB members' comments, response to action items and RAB meeting minutes will be placed in the information repositories. The information repository documents will be available for public review when requested.
- P. The RAB is not a decision-making body and its opinions and advice are not legally binding, but will be incorporated into all NAVFAC NW environmental restoration decision-making processes.

## VI. TERMINATION

- A. The NAS Whidbey Island RAB may be adjourned if:
  - 1) All required remedial actions have been implemented;
  - 2) The property is transferred out of DoD control;
  - 3) 2/3 majority of the RAB members agree in writing to terminate the RAB; or
  - 4) There is no longer sufficient, sustained community interest, as documented by NAS Whidbey Island with RAB community members and community-at-large input, to sustain the RAB.
- B. Sufficient and sustained community interest is defined as 5 or more active RAB community members. If participation in RAB meetings drops below five RAB members for two or more consecutive meetings or if no community RAB members volunteer and/or are elected as community co-chair, then NAS Whidbey Island may consider dissolving the RAB.

- 1) If the RAB is dissolved, NAS Whidbey Island will be responsible for reassessing community interest that could warrant reactivation or reestablishing the RAB.
  - 2) The DoD RAB rule recommends reassessing community interest every two years at IRP sites that do not have a RAB.
- C. The NAS Whidbey Island Commanding Officer will consult with USEPA, WDOE, RAB members, and the local community regarding adjourning the RAB before making a final decision.
- D. If NAS Whidbey Island adjourns the RAB, the public will be informed in the following manner:
- 1) Rationale for adjournment will be documented in a memorandum in the Administrative Record.
  - 2) Written notice of the decision and rationale will be provided to the RAB members and through publication of a notice in the local newspaper.
  - 3) Information will also be provided about other ongoing public involvement opportunities that are available.

## VII. EFFECTIVE DATE AND MODIFICATION

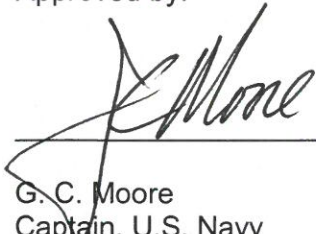
The Charter and Bylaws are effective upon signature by the Co-Chairs, federal, and state agencies listed and 2/3 of the present RAB community members. This Charter and Bylaws may be amended by a 2/3 vote of the members present at a RAB meeting if a quorum exists. The revised Charter and/or Bylaws shall be published and distributed within 30 days of amendment.

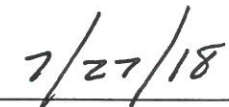
### Acronym List

Naval Air Station (NAS)  
Restoration Advisory Board (RAB)  
United States Code (USC)  
Department of Defense (DoD)  
Installation Restoration Program (IRP)  
Defense Environmental Restoration Program (DERP)  
Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)  
Environmental Protection Agency (USEPA)  
Washington State Department of Ecology (WDOE)  
Naval Facilities Engineering Command Northwest (NAVFAC NW)

*The NAS Whidbey Island RAB fulfills the requirements of Title 10 United States Code (USC) Section 2705(c.) for Technical Review Committees at Department of Defense (DoD) installations.*

Approved by:

  
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G. C. Moore  
Captain, U.S. Navy  
Commanding Officer  
Naval Air Station Whidbey Island

  
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Date